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C O N F I D E N T I A L SECTION 01 OF 02 TEGUCIGALPA 001034

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SUBJECT: VICE PRESIDENT ELVIN SANTOS RESIGNS

REF: TEGUCIGALPA 1021

Classified By: Ambassador Hugo Llorens, reasons 1.4 (b & d)

11. (C) Summary. Vice President Elvin Santos announced his resignation on November 18, in an attempt to circumvent suspected efforts by the Supreme Electoral Tribunal (TSE) and the Congress to legally bar him from running for President. Santos has thwarted these efforts, for now, by jumping ship, but he will have to summon extraordinary organizational and negotiating skills if he is to convince those in power behind the scenes to allow him to run. End Summary.

Santos Resigns

12. (SBU) Elvin Santos appeared on the most popular morning talk show "Frente a Frente" to announce his resignation on November 18. He explained that he had received word on November 17 from his Congressional allies that President of the Congress Roberto Micheletti had called an emergency session of the Congress to consider an undisclosed agenda. Santos presumed that the agenda would be about his candidacy and that there would be a Congressional attempt to terminate it through some legislative means. To neutralize these efforts Santos decided to resign. He is required to present his resignation to the Congress and to President Zelaya. Sources say that Zelaya has indicated he will accept the resignation.

Semantics: "Vice President" versus "Designates"

13. (C) In response to the repeal of the reform of Articles 239 and 240 of the Constitution which abolished the office of the Vice President (reftel), the Supreme Electoral Tribunal issued a decree on November 18 that asked Congress to examine the Constitution in detail and replace all mention of the "Vice President" with "Presidential Designates." This is important because the Constitution, which originally had three designates, states that the designates cannot run for President. The Constitution never explicitly states that the Vice President cannot run for President (because the office of the Vice President did not exist at that time). It does, however, state that anyone who has held the office of the Presidency, in any of its forms, cannot run. Santos has been arguing all along that he has never "held" the office of President, as even when President Zelaya was out of the country, he remained President of Honduras. After the Congress fulfills the TSE's request to replace all mention of "Vice President" with "designates," Santos presumed the

Congress would follow with a declaration that the Vice President is equivalent to the designates. This would then make Santos ineligible to run for President, so he decided to resign before any of these steps were taken.

14. (SBU) Santos said he resigned in order to continue his fight to be allowed to run for President. He accused the Congress, the TSE and the Supreme Court of all being controlled by a small power group that was afraid of his candidacy. He called on the diplomatic missions in the country and the international community to be vigilant of attempts to impede the ability of the country to hold free, fair and transparent elections. Santos did not take his case to the Supreme Court as he had told us he would (reftel), but has now stated publicly that he will wait until after the primary, in which he is being represented by a stand-in candidate, before going before that body.

Punishment for Resignation?

15. (C) There has been talk among the Honduran political class and press that anyone who resigns an elected office is automatically blocked from running for another office for ten years. There have been several precedents, however, where elected officials have resigned and then run for President. The Constitution has been amended many times and there is much confusion, but the Embassy's legal counsel has determined that the clause that punishes those who resign has effectively been abolished and is no longer in force.

Comment

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16. (C) It seems that the TSE and Micheletti's forces in Congress have plotted with President Zelaya to give Santos a final and legal coup de grace and keep him out of the race, although our Congressional contacts tell us that many members have not yet appeared in Congress and are not supporting Micheletti's efforts to finish Santos off. Santos has thwarted these combined efforts, for now, by jumping ship. He still has to win the primaries with his stand-in and then get the court to confirm his right to run before claiming victory. Winning the primary will take extraordinary organizational skills and convincing the Supreme Court (and those who control it) to allow his candidacy will take extraordinary negotiating skills.

17. (C) An interesting factor that has not yet appeared in the press is that the next in the presidential line of succession to Santos is Micheletti. If Micheletti takes over the second-in-line position, and Zelaya leaves the country, then all of the arguments for disallowing Santos' candidacy might then apply to Micheletti. End Comment.

LLORENS